IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

Crl.Rev.Pet.No. 322 of 2007()

CRA.369/2005 of ADDL.SESSIONS COURT (ADHOC), KOTTAYAM
CC.279/2001 of JUDL. MAGISTRATE OF FIRST CLASS, VAIKOM

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REVN. PETITIONER: APPELLANT/ACCUSED

K.O.DEVASSIA, KALLUVETTAMKUZHIYIL
HOUSE, VEDAGIRI, KURUMULLOOR P.O.,
ETTUMANOOR.

BY ADV. SRI.MOHAN IDICULLA ABRAHAM
SRI.MARTIN D.ALUMKARA

RESPONDENTS: COMPLAINANT AND STATE

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1. JOY GEORGE, S/O.GEORGE,
THAYILPUTHENPURAYIL HOUSE, KALLARA KARA,
KALLARA VILLAGE, KOTTAYAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. C. KAMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.R.P.NO. 322 OF 2007

Dated this the 22nd day of January, 2007

ORDER

This revision petition is directed against a concurrent verdict of guilty, conviction and sentence in a prosecution under Sec.138 of the N.I. Act.

2. The cheque is for an amount of Rs.1 lakh. It bears the date 14/9/2000. After indulgent modification of the sentence by the appellate court, the petitioner now faces a sentence of imprisonment till rising of court and a direction to pay an amount of Rs.1 lakh as compensation and in default, to undergo simple imprisonment for a period of three months.

3. Called upon to explain the nature of the challenge which the petitioner wants to mount against the impugned concurrent judgments, the learned counsel for the petitioner only prays that reasonable further time may be granted to the petitioner to make the payment and avoid the default sentence. No other contentions are raised at all.

4. I am satisfied that the stand taken by the learned

counsel for the petitioner is fair and reasonable. A detailed reference to the facts is not necessary as virtually no challenge is raised. Suffice it to say that the verdict of guilty, conviction and sentence are absolutely justified.

5. There is no merit in the prayer for any long further period of time. However, I am satisfied that the petitioner can be granted time till 28/2/2007 to pay the entire amount and avoid the default sentence.

6. In the result, this Crl.R.P. is dismissed. But it is directed that the impugned sentence shall not be executed prior to 28/2/07. The petitioner shall appear before the learned Magistrate on that day. If he does not appear as directed, the learned Magistrate shall thereafter take steps to execute the impugned sentence.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge